REMARKS/ARGUMENTS

This Amendment is filed in support to the Request for Continued Examination (RCE) application filed concurrently herewith. Claims 1-31 are pending in the present application. Applicants have amended claims 1, 2, 5, 6, 9, 10, 13, 14, 17, 18, 25-28. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

In the Final Office Action dated March 16, 2004, claims 1-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,272,109 issued to Pei et al. ("Pei"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Applicants contend that Pei does not disclose, either expressly or inherently, (1) creating N logical schedule tables from a hardware schedule table, (2) the hardware schedule table having entries corresponding to connections of traffic in a network, (3) the N logical schedule tables being separated by table delimiters, (4) the N logical schedule tables operating independently of one another, (5) each of the table delimiters corresponding to at least one unused entry in the hardware schedule table, and (6) assigning an identifier to an available entry in one of the N logical schedule tables.

As discussed in the previous response, Pei merely discloses one static table indexing virtual path connections (VPC's) and one dynamic ABR table associated with each respective VPC (Pei, col. 13, lines 25-28). There are no N logical schedules created from a hardware schedule table. The static table and dynamic table are merely two separate tables. None of the static table and the dynamic table has table delimiters. The static table merely contains identifiers to index VCC's of different priority services (Pei, col. 13, lines 56-57; col. 14, lines 1-9). The dynamic tables contain pointers to identify a link list of VCC's (Pei, col. 15, lines 15-17; lines 22-24). None of these identifiers or pointers is a table delimiter or corresponds to an unused entry in the hardware schedule table. Since the scheduler traverses the static table by incrementing a cell time pointer (Pei, col. 13, lines 54-55), and traverses each dynamic table at the cell rate (Pei, col. 14, lines 56-57), it cannot assign an identifier to an available entry. In addition, Pei does not disclose assigning an identifier to an available entry in one of the N logical tables.

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     To clarify the claim language and provide further specificity to the claims, claims 1, 2, 5, 6, 9, 10, 13, 14, 17, 18, 25-28 have been amended.

     Therefore, Applicants believe that independent claims 1, 9, 17, and 25 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(e) be withdrawn.

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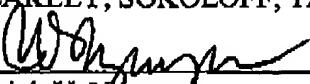Reply to Final Office action of 03/16/04

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: August 5, 2004   By _____

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